

REMARKS

By this Amendment, Claims 1-4 have been amended and new Claims 5-12 have been added. Claims 1-12 are now pending.

An inadvertent error was uncovered in Fig. 5. The exact location of the error in the above-entitled patent is in Fig. 5 where one of divider labels is shown as "O.I" next to the word "Prizes". As originally filed in the parent application 09/481,671 (now U.S. Patent No. 6,578,008), the label for that divider in Fig. 5 at that location stated "DJ" but when the formal drawings were prepared, that label was inadvertently translated as "O.I" which has no meaning. The proper divider label is fully supported in the patent at Column 12, line 13 where the divider label is indicated as "DJ". The formal drawings for the patent were used in the original filing of the present application. Moreover, support for the term "DJ" also appears in the present application at page 23, line 18 and, as a result, this change made to Fig. 5 does not introduce new matter whatsoever. Thus, attached as Exhibit A is a Replacement Sheet which formally makes the change and an Annotated Sheet Showing Changes made.

The Summary of the Invention has been amended to be consistent with the amendments to the claims.

The Examiner has rejected Claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over US 2002/0046074 (Barton, hereinafter "Barton") in view of US 2001/0025259 (Rouchon, hereinafter "Rouchon").

Applicants respectfully disagree for the following reasons. Neither Barton nor Rouchon are §103(a) references to the present application because neither of these documents have filing

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dates earlier than the effective filing date of the present application, namely, January 12, 2000.

In particular, as stated in the "Related Applications" section of the present invention:

RELATED APPLICATIONS

This application is a Continuation application of, and claims the benefit under 35 U.S.C. §120 of, A.S.N. 10/430,183 filed on May 6, 2003 entitled METHOD AND SYSTEM FOR AN ONLINE TALENT BUSINESS, which in turn is a Continuation application of A.S.N. 09/481,671 (now U.S. Patent No. 6,578,008) filed on January 12, 2000 entitled METHOD AND SYSTEM FOR AN ONLINE TALENT BUSINESS, and all of whose entire disclosures are incorporated by reference herein (emphasis added, Present Application, page 1, line 31 to page 2, line 2).

Thus, the present application has an effective filing date of January 12, 2000. However, the Barton document has an earliest filing date of June 29, 2000 and the Rouchon document has an earliest filing date of March 2, 2000. Thus, neither of these documents are §103(a) references and Applicant respectfully submits that the §103(a) rejection of Claims 1-4 be withdrawn.

Claim 1 has been amended to more clearly define the scope of the present invention. Claims 2-4 have been amended to replace the indefinite article "an" with "said." Claims 5-12 have been added to more fully cover the scope of the present invention.

Claim 5 has been added to specify the step of presenting an artist profile accessible to the public via global computer networks, as set forth at least on page 12, line 20 -page 13, line 2; page 15, lines 22-page 16, line 15; page 17, lines 8-14.

Claim 6 has been added to specify the step of monitoring the consuming public's interaction with the profile for gauging interest, as set forth at least on page 15, lines 2-8; page 16, lines 8-15; page 17, lines 8-14.

Claim 7 has been added to more clearly specify consuming public interaction involving visiting the artist profile, as set forth at least on page 12, line 20 -page 13, line 2; page 14, line 22 -page 15, line 1.

Claim 8 has been added to more clearly specify consuming public interaction involving experiencing each artist's work, as set forth at least on page 12, line 20 -page 13, line 2; page 14, line 22 -page 15, line 1.

Claim 9 has been added to more clearly specify consuming public interaction involving providing consumer feedback regarding interest in each artist or in the artistic work, as set forth at least on page 14, line 22 to page 15, line 4.

Claim 10 has been added to more clearly specify consumer feedback that involves voting, as set forth at least on page 2, line 7; page 13, line 11 and page 15, line 3.

Claim 11 has been added to more clearly specify consumer feedback that involves rating, as set forth at least on page 12, line 21-page 13, line 2; page 17, lines 1-2.

Claim 12 has been added to more clearly specify consumer feedback that involves a newsgroup, as set forth on page 25, line 20.

Also enclosed herewith as Exhibit B is a supplemental Information Disclosure Statement regarding references that the Applicant recently uncovered, namely "Soundclick.com." Although these references do not teach or suggest the present invention, Applicant wishes to make them of record in this case.

Like IUMA and mp3.com references previously disclosed, Soundclick.com presents yet another unsigned artist promotion website, i.e., a forum where unsigned artists could market themselves autonomously, without the involvement of a record label or other talent business.

While Soundclick.com did have some voting, such voting only served to offer unsigned artists a way to move to a better location on the website (on what Soundclick.com called the "First Internet Charts"). By getting a lot of votes, an artist received better "real estate" within Soundclick.com and, as such, more effectively self-promoted.

Soundclick.com does not teach or suggest the present invention. First, Soundclick.com does not teach or suggest presenting and receiving feedback on artists being considered for a contract. Unsigned artists on Soundclick.com, in fact, are not under consideration for a contract; indeed, they are the exact opposite: artists seeking to self-promote without the participation of a contracting party, such as a record label. As stated in the August 24, 1997 reference: "We [Soundclick.com] even create professional homepages for you [the unsigned artist] where you can sell your CD, promote your tour dates, etc."

Second, Soundclick.com does not teach or suggest the most critical component of the present invention: awarding contracts based on consumer feedback. Instead, as discussed above, Soundclick.com merely provides one way in which an unsigned artist promotion website, such as IUMA.com or mp3.com, could give unsigned artists a chance for better "real estate" within Soundclick.com. It should be emphasized that the step of engaging an artist in a contract based on consumer feedback is of critical value to the present invention. This culminating step enables the satisfaction of the present invention's core object of reducing entertainment business operating costs while increasing revenues and its more specific goals, such as testing potentially contracted artists' commercial attractiveness, forming meaningful relationships between contracted artists and the consuming public, facilitating precise marketing and sales of contracted

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artists' products and services through detailed information about the artist's target market, and enabling direct promotion and retail of products and services associated with contracted artists to the consuming public.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

January 27, 2005

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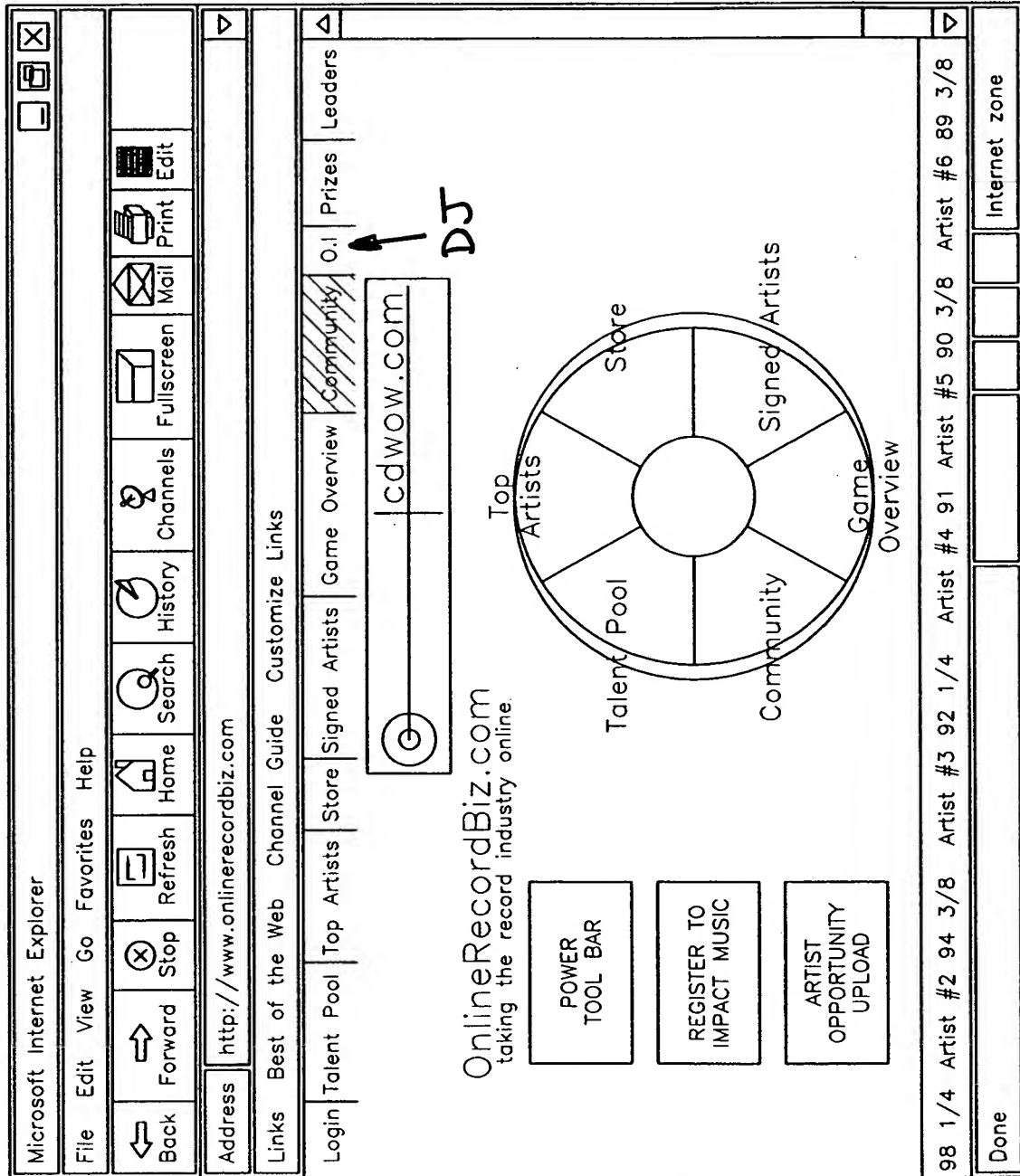
Please charge or credit our Account
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entry and/or ensure consideration of
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AMENDMENTS TO THE DRAWINGS

The attached Exhibit A includes a change to Fig. 5. Exhibit A includes a replacement sheet with the change made and also includes an annotated sheet showing the change made in red.

FIG. 5



Applicant: A. Chacker
 Filed: October 31, 2003
 Customer No. 03000
 For: METHOD FOR WORLD-WIDE TALENT
 Docket No.: C1183/20004
 Sheet 6 of 8

Annotated
 Sheet Showing
 Changes in Red